

I hereby certify that this instrument is a true and correct copy of the original on file in my office.

Attest: Geri M. Smith, Clerk

U.S. District Court

Northern District of Ohio

By: /s/Jennifer Smolinski

Deputy Clerk



UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**Oct 08, 2009**

**FILED  
CLERK'S OFFICE**

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: GADOLINIUM CONTRAST DYES PRODUCTS  
LIABILITY LITIGATION**

MDL No. 1909

(SEE ATTACHED SCHEDULE)

**CONDITIONAL TRANSFER ORDER (CTO-40)**

On February 27, 2008, the Panel transferred 20 civil actions to the United States District Court for the Northern District of Ohio for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 536 F.Supp.2d 1380 (J.P.M.L. 2008). Since that time, 193 additional actions have been transferred to the Northern District of Ohio. With the consent of that court, all such actions have been assigned to the Honorable Dan A. Polster.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Northern District of Ohio and assigned to Judge Polster.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Northern District of Ohio for the reasons stated in the order of February 27, 2008, and, with the consent of that court, assigned to the Honorable Dan A. Polster.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Northern District of Ohio. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

**Oct 26, 2009**

CLERK'S OFFICE  
UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:

A handwritten signature in black ink, appearing to read "Jeffery N. Lüthi".  
\_\_\_\_\_  
Jeffery N. Lüthi  
Clerk of the Panel

**IN RE: GADOLINIUM CONTRAST DYES PRODUCTS  
LIABILITY LITIGATION**

MDL No. 1909

**SCHEDULE CTO-40 - TAG-ALONG ACTIONS**

**DIST. DIV. C.A. #**

**CASE CAPTION**

**CALIFORNIA NORTHERN**

CAN 3 09-4236

CAN 3 09-4237

CAN 3 09-4238

Karen Castagna, et al. v. Bayer Healthcare Pharmaceuticals, Inc., et al.

Robert Saxon, et al. v. Bayer Healthcare Pharmaceuticals, Inc., et al.

Theresa Evans v. Bayer Healthcare Pharmaceuticals, Inc., et al.

**MINNESOTA**

MN 0 09-2634

Charles Preston v. General Electric Co., et al.

**PENNSYLVANIA EASTERN**

PAE 2 09-4149

Loretta Gatewood, et al. v. General Electric Co., et al.

**TEXAS SOUTHERN**

TXS 7 09-196

Sughey Mayorga v. General Electric Co., et al.